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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,227	05/22/2006	Toshiki Ohya	291282US3PCT	1824

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CLEMENTE, ROBERT ARTHUR

ART UNIT	PAPER NUMBER
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1797

NOTIFICATION DATE	DELIVERY MODE
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04/08/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/580,227	Applicant(s) OHYA ET AL.	
	Examiner ROBERT A. CLEMENTE	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

“8a” in figures 1 and 2.

“10a” in figures 1 – 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract

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on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1 – 4 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Publication No. 2003-172121 to Funahashi et al.

Funahashi teaches an exhaust emission control device wherein an inner shell is arranged fixedly in a muffler incorporated in an exhaust pipe, a particulate filter being integrally carried by a cartridge shell and unitized into a filter cartridge which is fitted through insertion into said inner shell, characterized in that the inner shell is formed to have an inner diameter greater than an outer diameter of the cartridge shell to provide an insertion clearance, said inner shell being formed with a tapered portion at a position short of an inward end thereof by a predetermined distance, said tapered portion being gradually reduced in diameter in a direction of insertion of the filter cartridge, a portion of the inner shell inward of said tapered portion being formed as a small-diameter portion

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with the reduced insertion clearance, sealing and cushioning materials being fitted over an outer peripheral surface on the inward end of the cartridge shell and adapted to be held in a clamped manner between the filter cartridge and the small-diameter portion of said inner shell upon fitting of the filter cartridge. Figure 1 shows the exhaust emission control device of Funahashi with a muffler (3) incorporated in an exhaust pipe (2). An inner shell (10) is arranged fixedly in the muffler (3). A filter cartridge (12) is formed of a cartridge shell (11) and a particulate filter (4). The filter cartridge (12) is fitted through insertion into the inner shell (10), as shown in figures 2 and 3. As further shown in figures 2 and 3, the inner shell (10) has a greater diameter than the outer diameter of the cartridge shell (11). As shown in figure 3, the inner shell (10) is formed with a tapered portion (23) at a position short of an inward end thereof. Sealing and cushioning materials (25, 27) are fitted over an outer peripheral surface of the inward end of the cartridge shell (11). This material is shown to be clamped between the filter cartridge (12) and the small diameter portion of the inner shell (10).

In regard to claim 2, as shown in figure 3, a stopper (24) is positioned on the outer peripheral surface of the cartridge shell (11) short of the inward end by a predetermine distance. The tapered portion (23), as shown in figure 3, forms a second stopper, which is provided on the inner shell (10). These stoppers hold the sealing and cushioning materials (25, 27) in a clamped manner.

In regard to claim 3 and 4, a mat material (27) made of heat resistant fabric is fitted as sealing material over the outer peripheral surface on the inward end of the cartridge shell (11). Net material (25, 26) made of metal wire is fitted as cushioning

material peripherally on the cartridge shell at positions outward and inward of the sealing material (27). The cushioning material fitted inward being extruded inward out of the cartridge shell by a predetermined distance.

In regard to claims 5 and 6, as discussed above, the tapered section (23) forms the second stopper. The tapered section (23) is in the form of a tapered ring gradually reduced in diameter towards the cartridge shell. The maximum diameter of the tapered section occurs near the inner shell (10) and this diameter is slightly greater than the diameter of the of the cartridge shell (11).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other prior art references listed on the PTO-892 (Notice of References Cited) are considered to be of interest disclosing similar exhaust emission control devices.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT A. CLEMENTE whose telephone number is (571)272-1476. The examiner can normally be reached on M-F, 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Duane S. Smith/
Supervisory Patent Examiner, Art
Unit 1797
3-31-08

RAC